



Billing Code 4310-55

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R4-ES-2012-N191]

[FXES11130400000EA-123-FF04EF1000]

Endangered and Threatened Wildlife and Plants; Receipt of Applications for Two Incidental Take Permits; Availability of Proposed Low-Effect Habitat Conservation Plans; Reed Motors, Inc. and Clermont Land Development, LLC, Lake County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment/information.

SUMMARY: We, the Fish and Wildlife Service (Service), have received two applications for incidental take permits (ITP). Reed Motors, Inc. and Clermont Land Development, LLC each request a 5-year ITP under the Endangered Species Act of 1973, as amended (Act). We request public comment on the permit applications and accompanying proposed habitat conservation plans (HCPs), as well as on our preliminary

determination that the plans qualify as low-effect under the National Environmental Policy Act (NEPA). To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

DATES: To ensure consideration, please send your written comments by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: If you wish to review the applications and HCPs, you may request documents by e-mail, U.S. mail, or phone (see below). These documents are also available for public inspection by appointment during normal business hours at the office below. Send your comments or requests by any one of the following methods.

E-mail: northflorida@fws.gov. Use “Attn: Permit number TE81294A-0” for Reed Motors, Inc. and/or “Attn: Permit number TE81293A-0” for Clermont Land Development, LLC as your message subject line.

Fax: David L. Hankla, Field Supervisor, (904) 731-3045, Attn.: Permit number TE81294A-0 for Reed Motors, Inc. and/or Attn: Permit number TE81293A-0 for Clermont Land Development, LLC.

U.S. mail: David L. Hankla, Field Supervisor, Jacksonville Ecological Services Field Office, Attn: Permit number TE81294A-0 for Reed Motors, Inc. and/or Attn: Permit number TE81293A-0 for Clermont Land Development, LLC, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

In-person drop-off: You may drop off information during regular business hours

at the above office address.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, telephone: (904) 731-3121; e-mail: *erin_gawera@fws.gov*.

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Act (16 U.S.C. 1531 et seq.) and our implementing Federal regulations in the Code of Federal Regulations (CFR) at 50 CFR 17 prohibit the “take” of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. 1532). However, under limited circumstances, we issue permits to authorize incidental take—i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Regulations governing incidental take permits for threatened and endangered species are at 50 CFR 17.32 and 17.22, respectively. The Act’s take prohibitions do not apply to federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, an incidental take permit’s proposed actions must not jeopardize the existence of federally listed fish, wildlife, or plants.

Applicants' Proposals

The applicants are requesting combined take of approximately 2.65 ac of occupied sand skink foraging and sheltering habitat incidental to construction of commercial developments, and they each seek a 5-year permit. The 10-ac Reed Motors, Inc. project is located on parcel # 09-22-26-110000700001 within Section 26, Township 22 South, Range 26 East, Lake County, Florida. The 2.49-ac Clermont Land Development, LLC project is located on parcel # 09-22-26-1600000000100 within Section 29, Township 22 South, Range 26 East, Lake County, Florida. The projects include construction of two commercial developments and the associated infrastructure, and landscaping. Reed Motors, Inc. proposes to mitigate for the take of the sand skink by the purchase of 1.0 mitigation credits within the Hatchineha Ranch Conservation Bank. Clermont Land Development, LLC proposes to mitigate for the take of the sand skink by the purchase of 4.34 mitigation credits within the Morgan Lake Wales Preserve Conservation Bank.

Our Preliminary Determination

We have determined that the applicant's proposals, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCPs. Therefore, we determined that the ITPs are "low-effect" projects and qualify for categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). A low-effect HCP is one involving (1) Minor or

negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

Next Steps

We will evaluate the HCPs and comments we receive to determine whether the ITP applications meet the requirements of section 10(a) of the Act (16 U.S.C. 1531 et seq.). If we determine that the applications meet these requirements, we will issue ITP # TE81294A-0 and ITP # TE81293A-0. We will also evaluate whether issuance of the section 10(a)(1)(B) ITPs comply with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the ITPs. If the requirements are met, we will issue the permits to the applicants.

Public Comments

If you wish to comment on the permit applications, HCPs, and associated documents, you may submit comments by any one of the methods in ADDRESSES.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal

identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under Section 10 of the Act and NEPA regulations (40 CFR 1506.6).

Dated: August 6, 2012

**David L. Hankla,
Field Supervisor,
Jacksonville Field Office,
Southeast Region.**

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